

HOUSE BILL REPORT

HB 2441

As Reported by House Committee On:
Transportation

Title: An act relating to vehicles at railroad grade crossings.

Brief Description: Concerning vehicles at railroad grade crossings.

Sponsors: Representatives Clibborn, Roach, Morris, Johnson, Maxwell, Simpson and Kenney;
by request of Washington State Patrol and Utilities & Transportation Commission.

Brief History:

Committee Activity:

Transportation: 1/11/10, 1/19/10 [DPS].

Brief Summary of Substitute Bill

- Clarifies the requirement regarding commercial vehicles stopping at non-exempt railroad crossings.
- Lists the types of commercial vehicles that carry hazardous materials that must stop at non-exempt railroad crossings.
- Modifies the list of railroad crossings that are exempt from the general requirement to stop to include crossings designated by the Washington State Patrol or the Office of the Superintendent of Public Instruction, crossings used exclusively for streetcars or industrial switching, and marked abandoned crossings.
- Modifies the list of railroad crossings that are exempt from the general requirement to stop to exclude crossings protected by gates or warning signals.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 28 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking
Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell,
Dickerson, Driscoll, Eddy, Ericksen, Finn, Herrera, Johnson, Klippert, Kristiansen, Moeller,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Morris, Nealey, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

Staff: David Munnecke (786-7315).

Background:

The driver of any motor vehicle carrying passengers for hire, other than a passenger car, the driver of any school bus or private carrier bus carrying school children or other passengers, and the driver of any vehicle carrying explosive substances or flammable liquids as cargo, must stop the vehicle within 50 feet, but not less than 15 feet, of the nearest rail of a railroad track, unless the railroad crossing meets certain statutory guidelines. Prior to proceeding, the driver must listen and look in both directions for indications of an approaching train. Once the driver has determined that it is safe to proceed, he or she must do so in a single gear such that it is not necessary to change gears while traversing the crossing.

The requirements listed above do not apply to railroad grade crossings where: (1) traffic is controlled by a police officer or authorized flagger; (2) traffic is controlled by a traffic signal; (3) crossing gates or a flashing traffic signal give warning of the approach of a train; or (4) a traffic control device indicates that the crossing is exempt pursuant to a designation by the state Utilities and Transportation Commission.

The Federal Motor Carrier Safety Administration administers the Motor Carrier Safety Assistance Program, through which Washington annually receives approximately \$6.8 million. In order to qualify for this funding, Washington must meet a series of conditions, including the adoption and enforcement of state laws that are consistent with federal motor carrier safety regulations.

Summary of Substitute Bill:

The driver of a school bus or any private carrier bus carrying school children or other passengers, the driver of any commercial motor vehicle transporting passengers, the driver of a cargo tank which carries certain hazardous materials, and the driver of a commercial motor vehicle that must be marked or placarded according to various classifications by the U.S. Department of Transportation must stop the vehicle within 50 feet, but not less than 15 feet, of the nearest rail of a railroad track, unless the railroad crossing meets certain statutory guidelines. Once the driver has determined that it is safe to proceed, he or she must do so in a single gear such that it is not necessary to change gears while traversing the crossing.

The requirements listed above do not apply to railroad grade crossings where: (1) traffic is controlled by a police officer or authorized flagger; (2) traffic is controlled by a traffic signal that is transmitting a green light; (3) the tracks are used exclusively for a streetcar or industrial switching purposes; (4) a traffic control device indicates that the crossing is exempt pursuant to a designation by the state Utilities and Transportation Commission; (5) the crossing is abandoned and is marked with a sign indicating it is out-of-service; and (6) the

Washington State Patrol or the Office of the Superintendent of Public Instruction has determined, in rule, that stopping is not required.

Substitute Bill Compared to Original Bill:

A definition of commercial motor vehicle is added that conforms with current practice and federal requirements, and technical changes are made to resolve potential issues with the delegation of state authority to the federal government.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Accidents that occur involving trains and road traffic are oftentimes devastating for the people involved. In certain cases, these accidents can also be the cause of spills of hazardous materials. This bill would enhance safety, preserve certain federal funding that is currently at risk because of nonconformity between Washington law and federal standards, and is not opposed by any of the stakeholders.

This bill would enhance children's safety. The Washington Administrative Code has been revised to require that school buses stop at all appropriate railroad crossings, but it is better to have that requirement in statute as well. This bill would also require private school buses to treat railroad crossings in the same manner as public school buses.

The fine for a violation of this section is the same as for other standard infractions, \$124.

(Opposed) None.

Persons Testifying: Representative Clibborn, prime sponsor; Jeff Goltz and Steve King, Utilities and Transportation Commission; Darrin Grondel, Washington State Patrol; and Allan Jones, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.